

FAX

RECEIVED
CENTRAL FAX CENTER
DEC 21 2005

ATTN. Pierre M. Vital

Fax Number 1 571 273 8300

Phone Number 571 272 4215

FROM Volel Emile, Esq.

Fax Number (512) 306-0240

Phone Number (512) 306-7969

SUBJECT Reply to Non-compliant Brief (10/015,223)

Number of Pages 4

Date 12/21/2005

MESSAGE

This fax communication contains:

1. one copy of a Fax Transmittal Form; and
2. one copy of the Reply to the Non-compliant Brief.

Volel

DEC 21 2005

PTO/SB/21 (02-04)

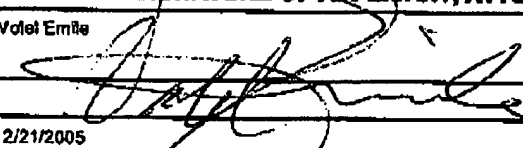
Approved for use through 07/31/2008. OMB 0651-0031

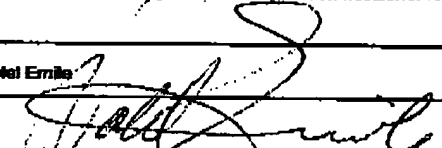
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/015,223
	Filing Date	12/17/2001
	First Named Inventor	McBrearty et al.
	Art Unit	2188
	Examiner Name	Piero M. Volei
Total Number of Pages in This Submission	Attorney Docket Number	AUS9200108621131

ENCLOSURES (Check off that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Reply to Non-compliant Appeal Brief.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Volei Emile
Signature	
Date	12/21/2005

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Volei Emile
Signature	
Date	12/21/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

DEC 21 2005

Appl. No. 10/015,223
Reply to non-compliant Appeal Brief dated 12/21/2005
Reply to Office Action of 12/08/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: :
Gerald Francis McBrearty :
Serial No: 10/015,223 : Before the Examiner:
 : Pierre M. Vital
 :
Filed: 12/17/2001 : Group Art Unit: 2188
 :
Title: APPARATUS AND METHOD : Confirmation No.: 6252
OF CREATING A MIRRORING MAP :
FOR USE WITH DIFFERENT PIECES :
OF DATA :

APPELLANTS' REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL
BRIEF UNDER 37 C.F.R. 41.37

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a reply to a Non-compliant Appeal Brief Notification dated December 08, 2005. In the Notification, the Examiner stated that:

[a]n example of a format and content for an appeal brief for a patent application is a brief containing the following items, with each item starting on a separate page:

(A) Identification page setting forth the applicant's name(s), the application number, the filing date of the application, the title of the invention, the name of the examiner, the art unit of the examiner and the title of the paper (i.e., Appeal Brief);

(B) Table of Contents page(s);

(C) Real party in interest page(s);

AUS920010862US1

Page 1 of 2

Appl. No. 10/015,223

Reply to non-compliant Appeal Brief dated 12/21/2005

Reply to Office Action of 12/08/2005

- (D) Related appeals and interferences page(s);
- (E) Status of claims page(s);
- (F) Status of amendments page(s);
- (G) Summary of the claimed subject matter page(s);
- (H) Grounds of rejection to be reviewed on appeal page(s);
- (I) Argument page(s);
- (J) Claims appendix page(s);
- (K) Evidence appendix page(s);
- (L) Related proceedings appendix pages (see MPEP 1205). (Emphasis added.)

However, neither MPEP 1205 nor 37 C.F.R. 41.37 requires that each item be on a separate page as stated by the Examiner. Further, neither MPEP 1205 nor 37 C.F.R. 41.37 even suggests that there be a Table of Contents in an Appeal Brief. (MPEP 1205 and 37 C.F.R. 41.37 were consulted on-line through the USPTO Web site.)

Thus, since Appellants' Brief filed on October 26, 2005 contains the relevant items under appropriate headings and in the order indicated in paragraphs (c)(1)(i) through (c)(1)(x) of 37 C.F.R. 41.37 (see also MPEP 1205), Applicants submit that the Appeal Brief is compliant under 37 CFR 41.37.

Respectfully submitted,

By: 

Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969

AUS920010862US1

Page 2 of 2